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**Humboldt County
Pesticide Regulatory Program
2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency
Department of Pesticide Regulation
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Performance Evaluation of the Humboldt County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Humboldt County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year (FY) 06/07. The assessment evaluates the performance of goals identified in the CAC's Enforcement Work Plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The overall restricted materials permitting (RMP) program element was found to meet DPR standards and EWP goals for FY 06/07.

B) Compliance Monitoring:

Illness investigations appear to be completed effectively, however, some investigations exceeded the 120-day period for submitting them to DPR. The overall compliance monitoring program element was found to meet DPR standards and EWP goals for FY 06/07.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and EWP goals for FY 06/07.

Summary Statement: Humboldt County's overall PUE program for FY 06/07 has been vastly improved and is effective at delivering the local enforcement program of the State due to multiple deficiencies needing correction.

In December of 2006, DPR provided Humboldt County with its annual Pesticide Regulatory Program Performance Evaluation for 2005/2006. The 2005/2006 report identified specific PUE Program areas needing improvement to meet DPR's statewide enforcement standards. The CAC's office has taken steps to improve overall pesticide program compliance and the CAC has indicated that he is committed to improving the PUE program to meet DPR's standards for an effective program. Based on the previous performance evaluation, the 2006/2007 EWP was written with an emphasis on improving program areas that were identified as deficient. Personnel changes have been made to the PUE program, including assigning a new inspector (longtime staff person with program responsibility has retired) and beginning to train additional staff to work in the PUE program. Humboldt County is committed to having an effective Pesticide Use Enforcement Program, and has implemented significant changes, which have already corrected problems previously identified by DPR.

The following is an assessment of these areas:

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

DPR and the CACs must assure the RMP system protects people and the environment while allowing for effective pest management. To assure effective implementation of the permit system, CACs must continuously evaluate hazards posed by proposed applications and evaluate the knowledge of the restricted material permit applicant. The restricted materials permitting program element was found to meet DPR standards and EWP goals.

1. Permit Issuance

The county received a DPR Issue Review paper in 05/06 that reported that RMPs in county files were incomplete and were not updated in the file copy and resigned as required. Restricted materials were discovered on use records, but were not on associated RMPs.

- A responsible PUE program inspector has ensured that all RMPs are appropriately re-signed by applicants whenever changes are made to the permit.

An RMP was issued to a former Private Applicator Certificate (PAC) holder who had not successfully passed recertification testing prior to being issued a new RMP for the year.

- The person previously responsible for the PUE program has retired and the new person responsible for the PUE program has revived PUE program quality and is motivated to do the job correctly.

The county conducted less than 5% of their required pre-application site inspections on Notice of Intent (NOIs) submitted in FY 05/06. Humboldt County only issues restricted materials permits for a one-year period.

- The county reviewed approximately 109 NOIs and conducted 8 pre-application site inspections in FY 06/07.

Approximately 24 restricted materials permits, 8 non-agricultural permits and 41 Operator I.D.s were issued in fiscal year 2006-2007. The RMP program meets DPR standards.

2. Site Evaluation

The RMP site evaluation should utilize the CAC's knowledge of pesticide hazards, local conditions, cropping, and fieldwork patterns, as well as handler, permittee and advisor compliance histories to address local, multi-county, and/or regional issues. DPR determined that the CAC's overall inspection strategy in FY 05/06 was ineffective in regards to monitoring the use of restricted materials.

- The CAC has implemented a new pre-site/application inspection strategy, which has changed the emphasis of inspections to those types of applications that pose the greatest potential for human health or environmental impairment.

- Humboldt County is developing a sensitive site GIS layer to assist in proposed restricted materials pre-site application evaluations. The GIS capability being developed will be incorporated into the successor program to the current Restricted Materials Permit Program (RMPP).
- Humboldt County provided permit recipients with a copy of DPR's Enforcement Compliance Guide and is planning to develop an annual newsletter, which will include regulatory updates and reminders for permit renewal applicants.

The site evaluation element of the RMPP meets DPR standards for effectiveness.

B) Compliance Monitoring

DPR's strategic goal to reduce risks to people and the environment depends on an effective and comprehensive compliance monitoring program. Inspections and investigations allow CACs to identify and respond to potential hazards to workers, the public, and the environment. To assure an effective compliance monitoring program, CACs must assure broad-based and comprehensive inspection types, identify the number of inspections necessary to maintain an enforcement presence effective at deterring violators, and assure thorough and timely investigations. The compliance monitoring program element was found to meet DPR standards and EWP goals.

1. Inspections

An effective inspection strategy encompasses a broad spectrum of pesticide handling situations and responds quickly to local issues. The focus should be on a balance between planned and spontaneous inspections. Inspections should have broad coverage and focus on areas of the greatest risk.

The county received a DPR Issue Review paper that reported that inspection forms were incomplete, unreadable and in some cases the wrong form was used for fumigation inspections.

- The previous PUE inspector that was in charge of the PUE program and that conducted most of the inspections has retired and a new inspector has taken over the PUE program responsibilities.

Compliance monitoring was inconsistent in FY 05/06 and a significant number of inspections were repeatedly conducted at the same types of sites. There was no adequate inspection targeting strategy in place for the county, especially as it relates to monitoring the use of restricted materials. The redundant inspections identify no violations. Most of the inspections conducted were done on forest management lands. There was no evidence of non-compliances associated with these inspections, which were being conducted as the main subject of the inspection targeting strategy.

- The compliance monitoring inspection strategy has changed to better evaluate the overall level of compliance for all types of pesticide applications that occur in Humboldt County.

- Increased compliance monitoring inspections have identified numerous non-compliances.
- A pesticide program inspection-tracking log has been created to organize and assist with compliance monitoring and follow-up inspections.

The county received a DPR Issue Review paper that reported that follow-up inspections are not conducted in a timely manner.

- The previous PUE inspector that was in charge of the PUE program and that conducted most of the inspections has retired and a new inspector has taken over the PUE program responsibilities.
- A pesticide program inspection-tracking log has been created to organize and assist with compliance monitoring and follow-up inspections.

The inspection program meets DPR standards for effectiveness.

Humboldt County's compliance assistance program provided growers a copy of DPR's compliance assistance guide to permittees and had offered growers compliance assistance inspections as a way to increase compliance in FY 2006/2007. There were no requests for compliance assistance inspections during this period; however, a compliance inspection has been scheduled for September 26, 2007, at the Humboldt Botanical Gardens.

1. Investigations

DPR and CACs have the responsibility to investigate episodes that may involve potential or actual human illness, injury, property damage, loss or contamination, and environmental effects allegedly resulting from the use or presence of a pesticide in a timely and thorough manner. The investigation program meets DPR's standards and EWP goals for the following reason:

- Investigations are generally well written, are generally conducted in a timely manner, and are complete.
- All complaints appear to be investigated in a timely manner.

C) Enforcement Response

To realize the full benefit of the comprehensive and effective statewide pesticide regulatory program, DPR and the CACs must apply our enforcement authority fairly, consistently, and swiftly. Our joint enforcement response should emphasize worker and environmental safety and promote deterrence. The enforcement response program element was found to meet DPR standards and EWP goals.

Oversight inspection activities were conducted by DPR during FY 2005/2006 in which non-compliances were discovered. The county did not initiate the appropriate action when violations were identified. These non-compliances did not have adequate enforcement/compliance actions taken against them as required by the Enforcement Response Regulations (ERR).

- The previous PUE inspector in charge of the PUE program conducted most of the inspections and has retired. A new inspector has taken over the

PUE program responsibilities and has turned the program around and is following the ERR.

III. Corrective Actions Previously Identified

The county has not yet implemented/created an outreach/education plan and/or compliance assistance inspection program to assist industry in achieving compliance, as stated in their 2005-2006 and 2006-2007 EWP.

IV. Recommended Corrective Actions

DPR and the staff person responsible for the county PUE program have jointly identified the following corrective actions:

Restricted Materials Permitting:

- The CAC will continue to implement an effective Pre-Application Site Evaluation strategy that will focus on application sites that have the greatest potential for hazard.
- The new PUE representative will continuously evaluate the targeting strategy for inspections. We have discussed the use of restricted materials at other sites/industries that can be inspected as part of a change in targeting strategy and have formulated a plan for additional inspections associated with the RMP program.
- The county has redirected their efforts, to create a targeting strategy that is more representative of the direction and efforts that should be taken to evaluate restricted material use.
- The CAC has stated that he is committed to turning the PUE program around for the county and the program has improved significantly.

Compliance Monitoring Inspections:

- DPR will assist the county by providing inspection strategy guidance. The county will evaluate the targeting strategy for inspections and use of restricted materials at other sites that can be inspected as part of a change in targeting strategy and plan for additional inspections associated with other industries.
- The CAC will develop an effective inspection strategy and include the strategy in the 2006/2007 EWP. The DPR will provide training and direction to staff to address identified issues.
- A binder has been created that separates and organizes PUE inspections and assists with the organization of the compliance-monitoring program.
- The county has redirected efforts to create a targeting strategy that is more representative of the direction and efforts that should be taken to evaluate restricted material use.
- The CAC has stated that he is committed to turning the PUE program around for the county.

Investigations:

- The CAC, with assistance from DPR, will provide training in investigative techniques and evidence collection.

Enforcement Response:

- The county has redirected efforts to create a targeting strategy that is more representative of the direction and efforts that should be taken to evaluate enforcement response.
- The CAC has stated that he is committed to turning the PUE program around for the county.
- A tracking system has been set up for follow-up or enforcement/compliance action tracking as stated in the previous EWP.

IV. Non-Core and Desirable Activities

The Humboldt County PUE program has had significant achievements, accomplishments and improvements made by the county in non-core programs created to enhance the effectiveness of the county's PUE program. DPR has discussed creating an active outreach bulletin for growers and licensed/certified individuals that will educate them on regulatory updates and industry information that might affect how they do business.

In FY 2006/2007 no newsletter was put together, but the county is in the planning stage for a newsletter to be mailed at the end of November 2007. Outreach information materials are due internally by October 1, 2007. Information specific to the pesticide program will include restricted materials permit renewal information, use reporting requirements (no permits issued without prior years use report submission) and information on regulatory updates/changes that may impact growers.